

AMENDED IN ASSEMBLY MARCH 29, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 668**

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### Introduced by Assembly Member Block

February 17, 2011

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An act to amend Section ~~66015.5~~ 89320 of the Education Code, relating to ~~public postsecondary education: the California State University~~.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 668, as amended, Block. ~~Public postsecondary education: quality instruction. California State University: examinations: undue hardship.~~

*Existing law establishes the California State University, which is administered by the Trustees of the California State University. Existing law requires the state universities, in administering any test or examination, to permit any student who is eligible to undergo the test or examination to do so, without penalty, at a time when that activity would not violate the student's religious creed, except when it would impose an undue hardship.*

*This bill would provide that creating a substantial financial burden or substantial disruption to the educational mission of the institution, as specified, constitutes an undue hardship for purposes of this provision.*

~~Existing law, the Donahoe Higher Education Act, sets forth, among other things, the missions and functions of California's public and independent segments of higher education, and their respective institutions of higher education. Existing law establishes the University of California, under the administration of the Regents of the University of California, and the California State University, under the~~

~~administration of the Trustees of the California State University, as 2 of the public segments of postsecondary education. Existing law expresses the Legislature's intent that quality classroom instruction be continually improved and that courses required for normal progress to a baccalaureate degree be provided in sufficient numbers.~~

~~This bill would make a technical, nonsubstantive change to this intent provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 89320 of the Education Code is amended  
2     to read:

3     89320. (a) The Trustees of the California State University  
4     shall require each state university, in administering any test or  
5     examination, to permit any student who is eligible to undergo the  
6     test or examination to do so, without penalty, at a time when that  
7     activity would not violate the student's religious creed. This  
8     requirement shall not apply ~~in the event that~~ if administering the  
9     test or examination at an alternate time would impose an undue  
10    hardship ~~which that~~ could not reasonably have been avoided. In  
11    any court proceeding in which the existence of an undue hardship  
12    ~~which that~~ could not reasonably have been avoided is an issue, the  
13    burden of proof shall be upon the institution.

14    (b) For the purposes of this section, either of the following  
15    constitutes an undue hardship:

16    (1) Expense in administering the test or examination at a  
17    different time that creates a substantial financial burden for the  
18    institution.

19    (2) Substantial disruption to the educational mission of the  
20    institution caused by administering the test at a different location.

21    ~~SECTION 1. Section 66015.5 of the Education Code is~~  
22    ~~amended to read:~~

23    ~~66015.5. (a) It is the intent of the Legislature that quality~~  
24    ~~instruction be continually improved and that courses required for~~  
25    ~~normal progress to a baccalaureate degree be provided in sufficient~~  
26    ~~numbers.~~

27    ~~(b) It is the further intent of the Legislature that where necessary~~  
28    ~~the average teaching responsibilities of tenured and tenure track~~

1 faculty be sufficiently increased to meet the goals described in this  
2 section.

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